

CITY COMMISSION MINUTES

September 30, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, September 30, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Engineer Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Item 3j was tabled. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **September 16, 2008**, City Commission meeting minutes.
- b. Approval of the **September 15, 2008**, Special City Commission meeting minutes.
- c. Approval of the **September 23, 2008**, Special City Commission Meeting minutes.
- d. The consideration of **Appropriation Ordinance** dated September 11, 2008, through September 24, 2008, in the amount of \$873,770.65.
- e. The consideration and approval **Ordinance S-3026** establishing a Redevelopment District within the City (Golden Belt Plaza Retail Project). (Final Reading)
- f. The consideration and approval of **Pay Request** by Ben Kitchen Painting, Inc., for the completion of 1821 North Adams, in the amount of \$20,050.00. (Expense reimbursed by the Buffalo Soldier Housing Rehabilitation Grant Fund.)
- g. The consideration and approval of **Pay Request** by Ben Kitchen Painting, Inc., for the completion of 1908 North Madison, in the amount of \$19,760.00. (Expense reimbursed by the Buffalo Soldier Housing Rehabilitation Grant Fund.)
- h. The consideration and approval of **Pay Request #11** by Walters-Morgan Construction for services through September 8, 2008, on the Drainage Ditch Improvements Project, in the amount of \$600,280.66 (KDOT will reimburse \$450,210.49 of amount) and approval of **Additional nine (9) calendar days** for weather related delays.
- i. The consideration and approval of **Pay Request #1** by Middlecreek Corp., for services through September 19, 2008, for K-18 and Karns, in the amount of \$437,589.00. (Reimbursement is as follows: Karns Drive, State pays 100% in the amount of \$231,170.40; Private Drive, School pays 100% in the amount of \$35,550.00; K-18 portion the State pays \$56,956.20, School pays \$56,956.20 and City pays \$56,956.20.)

- j. The consideration and approval of **Pay Request #5** by J&K Contracting, LLC., for services through August 29, 2008, for the Thompson Drive/Ehler's Hilltop Pavement Patching Project, in the amount of \$79,693.14.
- k. The consideration and approval of **Pay Request #1** by Larkin Excavating, Inc., for services through September 12, 2008, for Spring Valley Road - McFarland Road to Wildcat Lane, in the amount of \$458,591.58.
- l. The consideration and approval of **Final Pay Request** by J&K Contracting, LLC., for services completed on water main improvements for West Acres Addition, in the amount of \$44,988.00.
- m. The consideration and approval to **Submit Wastewater Master Plan** to KDHE for their review and approval of plan.
- n. The consideration and approval of **Application of Impaired Driving Deterrence Program Grant** by the State of Kansas Department of Transportation for 2009. (Grant does **not** require matching funds from the City.)
- o. The consideration and approval of **Pay Request** to Geary County District Court for City vs. Meyer, Case No. 08-CV-177, for condemnation and appraiser's fees, in the amount of \$19,450.00. (School will pay \$5,632.00; State will pay \$4,534.00; City will pay \$4,534.00; Appraiser's fee of \$4,750.00, paid 100% by the School District.)
- p. The consideration and approval **Pay Request** by Hernly Associates, Inc., for completion of Clearance Testing on the Buffalo Soldier Housing Rehabilitation Grant homes at 1904 N. Adams, 1819 N. Madison, 1821 N. Madison, 1832 N. Adams, 1804 N. Madison, 1908 N. Madison and 2009 N. Madison, in the amount of \$2,100.00. (Expense is paid by grant funds.)

APPOINTMENTS

- a. The consideration and approval of Mr. Bryant Henderson to the Golf Advisory Board for a term of three (3) years beginning October 9, 2008, and ending October 30, 2011. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the appointment of Mr. Bryant Henderson to the Golf Advisory Board for a term of three (3) years beginning October 9, 2008 and ending October 30, 2011. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

- a. A special presentation of Agent Orange Month Proclamation. Mayor Wunder read the Agent Orange Proclamation and presented it to Mr. Bruce Jasinski.
- b. A special presentation of National Fire Prevention Week Proclamation. Mayor Wunder read the National Fire Prevention Week Proclamation and presented it to Fire Chief Mike Steinfort. Mayor Wunder also congratulated Chief Steinfort on his promotion to Fire Chief. Chief Steinfort stated that the Fire Department will host an open house on Saturday, October 11th from 9 a.m. to 12 p.m. at Fire Station #1 (7th & Jefferson) and invited the public to attend.
- c. A special presentation of National Breast Cancer Awareness Month Proclamation. Mayor Wunder read the National Breast Cancer Awareness Month Proclamation and presented it to Gertie Williams.

- d. A special presentation by Officer Wigton for the Yard of the Year. Captain Leithoff informed the Commission that the Duncan Family of 230 S. Bunker Hill is the recipient for Yard of the Year.
- e. A special presentation of Historic Preservation Award to Timothy McCloud. Jan Gray with the Historic Preservation Board presented Mr. McCloud with a picture of his renovated home and thanked him for the extensive work he has done to restore the interior and exterior of his home at 424 S. Adams.

PUBLIC HEARINGS

- a. Mayor Wunder opened the **Public Hearing** to consider condemnation of property at 701 Chicago, Junction City, Kansas. Mr. Dave Clement, owner of 701 Chicago, stated that he had received two notices concerning his property. He has been working with the Codes Department and the Blight Team to address the issues of this property. He has removed quite a bit of brush, weeds, metal and vehicles. Acting Codes Administrator, Mark Karmann, stated that Mr. Clements has made progress on the clean up of the property. Mr. Clements asked for one year to complete the remaining deficiencies. Commissioner Talley stated that he was concerned with granting a year; it is way too long, in his opinion. Chief Bob Story stated that progress has been made; however a lot more should have been accomplished by now. Chief Story stated that the Police Department and the Codes Department will work with Mr. Clements in the direction that the Commission decides on what should be done. Commissioner Talley stated that Mr. Clements has done a good job on what he has accomplished so far. Commissioner Rhodes agreed that one year is too long. Mr. Clements stated that he is doing the work himself and does not have the money to hire a contractor. Mr. Clements stated that he is willing to do whatever the Commission asks of him. Commissioner Heldstab stated that he would be comfortable coming to a compromise on the time frame. City Manager, Rod Barnes, informed the Commission that they could allow an additional nine months and have Mr. Clements present the Commission with an update at six months. Mr. Clements stated that he feels nine months would be sufficient time. Mayor Wunder closed the public hearing.
 - 1. The consideration and approval of **R-2510** for condemnation of property at 701 Chicago, Junction City, Kansas. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve R-2510 to allow nine (9) months for the owner to complete the needed repairs for the property at 701 Chicago, Junction City, Kansas. The Codes Department will give monthly progress reports on the status of the repairs. Ayes: Heldstab, Taylor, Wunder. Nays: Rhodes, Talley. Motion carried three to two.
- b. Mayor Wunder opened the **Public Hearing** to consider condemnation of property at 2505 South Spring Valley Road, Junction City Kansas. Mr. Larry George, owner of 2505 S. Spring Valley Road, stated that improvements have been started – the windows have been secured, all of the wood has been painted, and all the doors were repaired and secured by October 1, 2008. Mr. George has been working with Deam & Deam Architects on a proposal for development of a phased plan for possible uses of the building, renovation, and estimates of cost. At this time, Mr. George is uncertain as to whether this structure will be his residence or be made into a business. Mr. George stated that he does want the exterior to remain the same as it did when it was a school house. City Manager, Rod Barnes, stated that the house was zoned as residential when the land was annexed into the City. Mr. George stated that he and his wife, Kathy, bought the property in 1979. Commissioner Talley stated that the roof is a major concern for him. Mr. George stated that they want to

make the structure as energy efficient as possible and that it is not just a matter of replacing the roof. They want to add insulation among other things. Mr. George stated that the inside of the structure has been gutted. Commissioner Talley stated that he feels the roof could be done fairly quickly. Mr. George stated that it could be done if restoration was the only piece involved. Commissioner Talley stated that he is also concerned about the fact that Mr. George does not know what he wants to do with the structure. Mr. George stated that if he can not get a definitive plan by December, he will go ahead with the restoration of the roof. Chris Jasinski stated that she has never seen this structure or meet Mr. George; however this place looks like it is a great structure. If Mr. George is willing to restore it, the Commission should give him the time. It would be terrible if such a beautiful building went to waste. Commissioner Talley agreed with Ms. Jasinski; however this has been a long time coming. Commissioner Taylor asked if it was possible to utilize the Neighborhood Revitalization Program. Mr. George stated that he and his wife knew of several programs they could apply for; however, they do not want to tap the City with anything. They will do the project themselves. Mr. Barnes stated that the Commission could do a nine month extension with monthly updates. Mr. Ken Mortenson stated that the George's are in a bad position because the property has been annexed into the City. The County chose to not address the property and then it was annexed. The annexation is the biggest reason to give the George's more time. Mr. Barnes stated that he has had conversations with Mr. George and encouraged him to create a plan and present it to the Commission and Mr. Barnes feels that Mr. George has done that. Mr. Barnes stated that he agrees with Ms. Jasinski; it is a beautiful building. Commissioner Talley stated that it is a beautiful building and doesn't want to see it torn down; he wants to see it renovated. Mayor Wunder stated that after the nine months, the Commission could extend the time if progress is shown. Mayor Wunder closed the public hearing.

1. The consideration and approval of **R-2511** for condemnation of property at 2505 South Spring Valley Road, Junction City, Kansas. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve R-2511 to allow nine (9) months for the owners to complete the needed repairs for the property at 2505 South Spring Valley Road, Junction City, Kansas. The Codes Department will give monthly progress reports on the status of the repairs. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEW BUSINESS

- a. The consideration and approval of **Ordinance G-1042** amending text for Subdivision Regulations, Chapter 455, Section 455.370, in regards to water supply systems, tracing wires (**First Reading**). City Engineer, Christina Cook, informed the Commission that clarification of this ordinance was needed due to industry standing. Tracing wire should be stranded, not braided in four-inch or larger lines. Ms. Cook stated that the ordinance could be changed to also include two-inch lines; however this ordinance deals mostly with lines in the right-of-ways. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance G-1042 amending text for Subdivision Regulations, Chapter 455, Section 455.370 in regard to water supply systems, tracing wires (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **R-2508** renaming the Junction City Opera House to be known hereafter as the "C.L. Hoover Opera House". Commissioner Talley moved, seconded by Commissioner Rhodes to approve R-2508 renaming the Junction City Opera House to be known hereafter as the "C.L. Hoover Opera House". Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Mr. Mark Edwards, presented Mayor Wunder and

Opera House Manager, Tony Ballard, with the naming gift from the Hoover-Koken Foundation. Mr. Edwards on the behalf of the Foundation expressed their thanks to the City and everyone involved with the Opera House. The City staff has been very responsive and cooperative from the beginning. This has been an exciting project and the Opera House is a wonderful place. The City hired a gem in Tony Ballard. The Opera House will be a focal point for years to come. Mr. Edwards thanked the City for allowing the Hoover-Koken Foundation to have a celebration at the grand opening and ribbon cutting on October 3rd. Mr. Edwards invited the public to attend the celebration. You do not need a ticket to the performance later; come and take a tour of the Opera House and attend the reception. Mayor Wunder thanked Mr. Edwards for the naming gift and stated that their gift is very much appreciated. Commissioners Rhodes, Talley and Heldstab thanked Mr. Edwards and the other members present.

- c. The consideration and approval of **Ordinance S-3027** authorizing and execution of a second amendment to the loan agreement between the City of Junction City and Kansas Department of Health and Environment for the electrical upgrade for the Southwest Waste Water Treatment Plant (**First Reading**). Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3027 authorizing and execution of a second amendment to the loan agreement between the City of Junction City and Kansas Department of Health and Environment for the electrical upgrade for the Southwest Waste Water Treatment Plant (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of **Restriping Existing On-Street Parking and Establishment of New Handicapped Parking** locations for the 100 Block of West 7th Street. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the Restriping Existing on-street parking and establishment of new handicapped parking locations for the 100 Block of West 7th Street. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval of **Removal of One-Hour Parking Sign and Install Signage for Handicapped Parking** on the West side of 600 Block, North Jefferson and parking lot East of the Municipal Court Building. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the removal of one-hour parking sign and install signage for the parking lot East of the Municipal Court Building (the remainder will be tabled). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration and approval of **Designation of Handicap Parking and Loading Zone Area** on the West side of the Opera House and East side of Jefferson Street. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the designation of handicap parking and loading zone area on the West side of the Opera House and the East side of Jefferson Street. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of **Change Order #3** by Konza Construction for the Rucker Road – US 77 to Whitney project, in the amount of \$30,548.50. (**REMOVED FROM THE AGENDA**).
- h. The consideration and approval of **Supplemental Contract** by Kaw Valley Engineering for additional design fees for the change in scope and projects for Spring Valley Road North of K-18 Highway, Rucker Road and related intersections with K-18 and US-77 Highway, in the amount of \$487,769.90. Commissioner Rhodes asked why this is different with the State. City

Engineer, Christina Cook, stated that KDOT requirements are more specific and more detailed. KDOT has a more thorough process. KDOT is providing some of the funding. The projects increase substantially when intersections are added to the project. It is not known at this time what KDOT will fund. KDOT will not reimburse for design fees, only construction fees. Mr. John Sheets, Kaw Valley Engineering, informed the Commission that this project has evolved over the past two years. KDOT and the City now require traffic studies to be one for a project such as this. Two years ago no one anticipated the huge changes with the intersections. This project is part of the KDOT Revolving Loan Fund that has been submitted by the City and approved. Ms. Cook stated that when the project was submitted, it was submitted with good cost estimates and built-in contingencies. The revolving loan fund is separate from the Federal subsidies to the State. The funds are available. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Supplemental Contract by Kaw Valley Engineering for additional design fees for the change in scope and projects for Spring Valley Road North of K-18 Highway, Rucker Road and related intersections with K-18 and US-77 Highway in the amount of \$487,769.90. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

- i. The consideration and approval of **Applications to KDOT** on three (3) projects at Freeman Field Airport (applications would supply funding for projects that include credit card readers for fuel pumps, automated weather observing station (AWOS), and an overlay to the existing runway 18/36). City Engineer, Christina Cook, stated that this is a submission of applications to KDOT. If awarded, the Commission is not under any obligation to accept the funding for the projects. These applications deal with maintenance areas; it does not have anything to do with airport expansion. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Applications to KDOT on three (3) projects at Freeman Field Airport. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- j. The consideration and approval of **R-2509** authorizing the offering for sale of General Obligation Bonds, Series DT (Capgemini & Ventria). City Manager, Rod Barnes, informed the Commission that this action completes the transactions with these two companies. The bonds were sold to Capital One in Kansas City at a rate of 5.25%. David Arteberry confirmed that this was a good rate. The closing date is October 29, 2008. Commissioner Taylor asked if the Commission could obtain a status update on where these companies are at in meeting the requirements of their agreements. Mr. Barnes informed the Commission that the Economic Development Commission has started their work with Pottberg to audit all of the EDC agreements dealing with companies in the last few years. When the audit is completed, the Commission will receive a report. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2509 authorizing the offering for sale of General Obligation Bonds, Series DT (Capgemini & Ventria). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- k. The consideration and approval of **Ordinance S-3028** authorizing and providing the issuance of General Obligation Bonds, Series DT (Capgemini & Ventria) (**First Reading**). Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3028 authorizing and providing the issuance of General Obligation Bonds, Series DT (Capgemini & Ventria). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person).

Mark Sanders, 2726 Glenn Dean Road, Junction City, KS congratulated Mike Steinfort on his promotion to Fire Chief. Mr. Sanders stated that he was at the Commission meeting representing his Family Trust and third and fourth generation shareholders of our community. Mr. Sanders stated that he is ready to meet with the Mayor and City staff to discuss the financial questions, issues and concerns he has. He feels the media should be invited to the meeting. Mr. Sanders has outlined his expectations of that meeting. Mr. Sanders feels that the Commission does not receive enough information when approving expenditures. He recommends that the Commission utilize the checklist he distributed to them for the next couple of Commission meetings. Mr. Sanders stated that the City must get expenditures back in line. If the Commission takes his recommendations, they can eventually get to a 40 mil budget. It will be painful. When asked, Mr. Sanders stated that he had not approached the County or USD 475 with his suggestions. He stated that the County and USD 475 also need to reduce their expenditures as well.

Chris Jasinski, 7218 Rockwood Drive, Milford, KS stated that she believes that the steps that Mr. Sanders is taking are appropriate and appreciated. Ms. Jasinski stated that the heavy trucks that travel from 18th Street to Highway 57 and from Highway 57 to Highway 77 bear down on cars and trucks and barely leave any room between themselves and the other vehicles. Ms. Jasinski has spoken to the truck company and they refer her to the Police Department. When she contacts the Police Department, they are unable to do a police report because she can not identify the driver. She believes the drivers should be issued tickets and hopes that something will be done about this. Mayor Wunder stated that it will be checked into.

COMMISSIONER COMMENTS

Commissioner Taylor stated that his friend, Dick Seitz, has been ill and please keep him in your thoughts and prayers.

Commissioner Heldstab stated that the 2nd Brigade is deploying and that the public is invited to any of the deployment ceremonies. Commissioner Heldstab asked that everyone keep these folks in your prayers.

Commissioner Talley congratulated Mike Steinfort on his promotion to Fire Chief; it was well-deserved. He also congratulated Tony Ballard on a successful event with the Donor Night at the Opera House. The Opera House is a spectacular building and is going to be a place of great happenings.

Commissioner Rhodes congratulated and welcomed Chief Mike Steinfort. He also stated that Donor Night at the Opera House was spectacular and thanked everyone involved. He also thanked the Hoover-Koken Foundation for their naming gift.

Mayor Wunder echoed the other Commissioner comments for Chief Steinfort and the Opera House. He invited everyone to the ribbon cutting ceremony on October 3rd at 6 p.m. for the Opera House. Also, there is not a Commission meeting on October 7th. The next meeting is October 14th.

STAFF COMMENTS

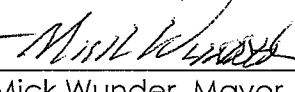
City Engineer, Christina Cook, stated that on Wednesday, October 1st and Friday, October 3rd, concrete pours will be done on East Chestnut and traffic will be slower than usual.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Heldstab to adjourn at 9:17 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 14th DAY OF OCTOBER, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR SEPTEMBER 30th 2008.


Tricia Gowen, City Clerk


Mick Wunder, Mayor